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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,625	06/30/2003	Wipul Jayasekara	SJO920000096US2	1372

7590 08/31/2005

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5600 Cottle Road  
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San Jose, CA 95193

EXAMINER

KIM, PAUL D

ART UNIT	PAPER NUMBER
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3729

DATE MAILED: 08/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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### DETAILED ACTION

1. The reply filed on 1/24/2005 is not fully responsive to the prior Office Action, the election of species mailed on 12/17/2004.
2. Applicants fail to response to the prior office action to the restriction requirement by a provisional election on 1/24/2005.
3. Applicant was advised that a reply to the restriction requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument includes that the present application has only one independent claim, therefore applicant elects all claims 25-46 for Fig. 8 illustrated the method, the species being obvious variant is considered nonresponsive unless accompanied by an election.
4. Applicant was also advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
5. Examiner assumes that there was no confusion for election of species requirement mailed on 12/17/2004. However, examiner tries to clearly define the election of species requirement hereby.
6. The examiner maintains the election of species requirement with the following patentably distinct species of the claimed invention:
  - Species A, drawn to Fig. 3A for claims 28 and 31.
  - Species B, drawn to Fig. 3B for claims 29 and 32.
  - Species C, drawn to no Fig. for claim 34.

Species D, drawn to Figs. 2A or 2B for claim 35.

Species E, drawn to no Fig. (layers removed including free layer) for claims 40 and 43.

Species F, drawn to no Fig. (layers removed including free layer) for claims 41 and 44.

Species G, drawn to Fig. 7 for claim 46.

Claim 25 is a generic claim.

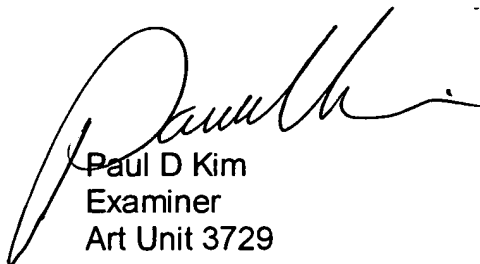
7. The examiner maintains the election of species requirement as set forth office action mailed on 12/17/2004.

6. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul D. Kim whose telephone number is 571-272-4565. The examiner can normally be reached on Monday-Friday between 7:00 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Paul D Kim  
Examiner  
Art Unit 3729